

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3056 OF 2025**

Sanjay @ Bodyguard Damu Chauhan	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Kunal Aher *a/w Gaurish Nilesh Satpute for the Applicant.*
Ms. Manisha R. Tidke, *APP for the State-Respondent.*
PSI – Yashwant N. Jadhav, *Vithalwadi Police Station, Thane City, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 24th September 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 100 of 2017 dated 11th August 2017 for offences punishable under Section 394 and 34 of the Indian Penal Code, 1860 ('IPC') registered at Vithalwadi Police Station, Thane. However, after the filing of the charge-sheet, since the victim expired, Section 302 of the IPC was added.

2. The case of the prosecution is that the deceased was walking on the skywalk at the Ulhasnagar Railway Station

when he was accosted by four persons who demanded money from the deceased. Upon refusal, one of the persons took out a sharp knife and stabbed the deceased in his right leg. They then went away. The deceased was taken to the hospital, where the police recorded his statement on 11th April 2017. The deceased narrated his story. During treatment, the deceased expired after four days and hence the charge under Section 302 has also been added. Accordingly, the FIR was registered. The Applicant filed the bail application before the Trial Court and by order dated 12th July 2024, the same was rejected.

3. Mr. Kunal Aher, learned Counsel for the Applicant, submits that there is no material on record to indicate the presence of the present Applicant at the spot of the incident. He has drawn my attention to the statement of the deceased while he was taking treatment. The said statement indicates that there were only three persons, who had stabbed him on the skywalk. There is no mention of the present Applicant in his statement. He also points to the Test Identification Parade,

wherein the witness, who is stated to be a friend of the deceased, identified the Applicant and another person. According to Mr. Aher although the Applicant was identified, the witness was unable to state as to who had stabbed the deceased.

4. Mr. Aher thereafter points to the postmortem report which records that the probable cause of death was due to rupture of right popliteal artery due to an injury to the right popliteal fossa. He further states that the postmortem report records the date of death of the deceased as 14th April 2017 while the incident causing injury to the deceased is on 11th April 2017. He submits that the Applicant is in custody since April 2017 and till date, only charges are framed. He submits that the he trial has not commenced and thus on the ground of long incarceration, the Applicant be released on bail.

5. Per contra, Ms. Manisha Tidke, learned APJ, submits that the postmortem report clearly indicates that the cause of

death is due to the injury on his right leg. She submits that the eyewitness in the Test Identification Parade has identified the Applicant along with another person. She further submits that there are only 36 witnesses that are to be examined by the prosecution and as such the trial is expected to conclude shortly. She also submits that the knife used in the commission of the crime was recovered from the present Applicant. The knife was blood stained and hence she states that the Applicant is involved in commission of the present offence and the present bail application be rejected.

6. I have heard learned Counsel for both the parties and perused the record with their assistance.

7. Admittedly, the Test Identification Parade reveals that the witness has identified the Applicant as well as another person. However, a plain reading of the statement of eyewitnesses recorded does not pinpoint the exact role of the present Applicant. Moreover, there is discrepancy in the statement of the deceased regarding the number of people

present and that mentioned in the charges. The deceased while alive, stated there were three persons who accosted him at the skywalk and the charge-sheet shows four persons present at the spot of the incident. Mr. Aher submits that two other accused were juvenile and are granted bail. Be that as it may, there are no antecedents against the present Applicant. He has suffered incarceration for as many as 8 and half years. The evidence in the trial has not even commenced yet and it appears unlikely that the trial will conclude in the foreseeable future. Long incarceration without timely conclusion of the trial is held to be a violation of the principles of natural justice.

8. In view of the aforesaid discussion, I am inclined to grant bail to the Applicant and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/ with one or two local sureties in the like amount;

- ii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- iii) The Applicant shall not enter the jurisdiction of Vithalwadi Police Station, Thane during the pendency of the trial, except to attend the Trial Court concerned, as directed hereinabove;
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;
- v) The Applicant shall not leave India, without permission of the trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)